

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-10-PO-0040
Costco Wholesale Store)	
)	Citation No.: C201032920002
Eugene, Oregon)	

CITATION

Released: May 5, 2010

By the Resident Agent, Portland Resident Agent Office, Western Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to Costco Wholesale Store (“Costco”) for violation of Section 15.5(b) of the Commission’s rules.²
2. Investigation by the Enforcement Bureau’s Portland Resident Agent Office revealed that on April 29, 2010, Costco operated a Part 15 device that was causing interference to Sprint’s cellular phone frequency 821.1375 MHz.
3. Section 15.5(b) of the Rules states “[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused”
4. On April 29, 2010, in response to a complaint of interference to Sprint’s cellular phone frequency 821.1375 MHz, an agent from the Portland Office investigated the allegation and determined that the source of the interfering signal was a Part 15 device, manufactured by Symbol Technologies Inc, Model Spectrum One 3850-N3R, FCCID# H9P3850C, installed inside the Costco store in Eugene, Oregon.
5. Violations of the Act or the Commission’s Rules may subject the violator to substantial monetary forfeitures,³ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁴
6. Costco may request an interview at the closest FCC Office, which is Federal Communications Commission, 11410 NE 122nd Way, Suite 312, Kirkland, Washington 98034.⁵

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 15.5(b).

³ 47 C.F.R. § 1.80(b)(3).

⁴ 47 U.S.C. §§ 401, 501, 503, 510.

⁵ 47 U.S.C. § 503(b)(5).

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You may contact this office by telephone, (XXX) XXX-XXXX, to schedule this interview, which must take place within 14 days of this Citation. Costco may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-10-PO-0040 when corresponding with the Commission.

7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁶ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁷

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Costco Wholesale Store at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent, Portland Resident Agent Office
Western Region
Enforcement Bureau

⁶ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁷ See 18 U.S.C. § 1001 *et seq.*